

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ISHYNIQUE MCCOY,  
Plaintiff,

VS.

T-MOBILE USA, INC., ET AL.,  
Defendants,

and

CWORK SOLUTIONS, L.P.,  
Defendant/Third-Party Plaintiff,

VS.

ATC LOGISTICS & ELECTRONIC, INC. d/b/a  
GENCO Tech. Solution d/b/a FedEx Supply  
Chain,  
Third-Party Defendant.

CIVIL ACTION

NO. 2:18-CV-4079

**DEFENDANT, T-MOBILE USA, INC.’S,**  
**REPLY TO THIRD-PARTY DEFENDANT’S CROSS-CLAIM WITH CROSS-CLAIM**

Defendant, T-Mobile USA, Inc., by its undersigned counsel, hereby submits the following reply to the Cross-Claim of Third-Party Defendant ATC Logistics & Electronics, Inc. d/b/a GENCO Technology Solutions d/b/a FedEx Supply Chain (“GENCO”) and asserts a cross-claim against GENCO.

1. This paragraph does not contain any factual averments, and therefore T-Mobile has no duty or cause to respond. By way of further response, T-Mobile incorporates herein by reference as though fully set forth at length, its Answer and New Matter to the Complaint of Plaintiff Ishynique McCoy.

2. This paragraph does not contain any factual averments, and therefore T-Mobile has no duty or cause to respond. To the extent that a response is deemed required, T-Mobile is without knowledge or information sufficient to form a belief as to the truth of the averments set forth by Third-Party Plaintiff in the Third Party Complaint.

3. The averments made in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, T-Mobile denies the allegations made in this paragraph.

4. Denied.

**WHEREFORE**, T-Mobile USA, Inc. demands that judgment be entered in its favor and against GENCO, as well as an award of costs, expenses and fees, and any other such relief this Court deems just and appropriate.

**DEFENDANT T-MOBILE USA, INC.'S  
CROSSCLAIM AGAINST THIRD-PARTY DEFENDANT, GENCO**

Defendant/Crossclaim Plaintiff, T-Mobile USA, Inc. (“T-Mobile”) asserts this Cross-Claim against Third Party Defendant, ATC Logistics & Electronics, Inc., d/b/a GENCO Technology Solutions, d/b/a FedEx Supply Chain (“GENCO”) as follows:

1. T-Mobile incorporates herein by reference as though fully set forth at length, the averments contained in the Complaint of Plaintiff, Ishynique McCoy, (“Plaintiff”) without admitting or denying the same.

2. T-Mobile further incorporates herein by reference as though fully set forth at length, the averments contained in the Third-Party Complaint of Third-Party Plaintiff, CWork Solutions, L.P., without admitting or denying the same.

3. Prior to the date upon which Plaintiff alleges she sustained injuries, GENCO performed certain repair and refurbishing services on the mobile device identified in the Complaint, an iPhone 6 bearing serial number IMEI: 354387062506228.

4. GENCO had and continues to have a duty to perform the acts and functions identified in paragraph 18, and subparagraphs a-r, of the Plaintiff's Complaint.

5. Upon information and belief, GENCO has failed to perform the acts and functions identified in paragraph 18, and subparagraphs a-r, of the Plaintiff's Complaint.

6. GENCO's failure to perform these acts and functions constitutes negligence.

7. GENCO's negligent acts and omissions are the sole and proximate cause of any and all of the injuries and damages alleged in Plaintiff's Complaint; said injuries and damages are denied by T-Mobile.

8. If it is judicially determined that the Plaintiff is entitled to the recovery of damages alleged in the Complaint, then GENCO is solely liable to the Plaintiff for said damages, or is liable over to T-Mobile, for indemnification and/or contribution for said damages.

**WHEREFORE**, T-Mobile USA, Inc. demands that judgment be entered in its favor and against GENCO for any sum that may be awarded to Plaintiff, or for indemnity and/or

contribution for all or part of any sums awarded to Plaintiff, including interest, counsel fees and cost.

/s/ Lorena E. Ahumada  
Steven J. Engelmyer, Esquire  
Lorena E. Ahumada, Esquire  
**KLEINBARD LLC**  
Three Logan Square, 5<sup>th</sup> Floor  
1717 Arch Street  
Philadelphia, PA 19103  
(215) 568-2000

Dated: April 2, 2020

**CERTIFICATE OF SERVICE**

I, Lorena E. Ahumada, counsel for defendant, T-Mobile USA, Inc., hereby certify that on this 2nd day of April 2020, a true and correct copy of the foregoing Reply to the Cross-Claim with Cross-Claim has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that I caused a true and correct copy of the same to be served upon all counsel of record in this matter via the court's electronic filing system.

/s/ Lorena E. Ahumada  
Lorena E. Ahumada, Esq.